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United States District Court
Southern District of New York

_____)	
Piyush Paleja,)	
)	
Plaintiff,)	
)	No.
- against -)	
)	
KP NY Operations LLC a/k/a)	<u>Complaint</u>
Kailash Parbat,)	
)	
Defendants.)	
_____)	

Plaintiff, complaining of the Defendant by his attorney, David Abrams, Attorney at Law, respectfully set forth and allege as follows:

I. Introduction

1. This is an action for wages and overtime under the Fair Labor Standards Act and the New York Labor Law. Plaintiff also asserts claims for violation of the notice requirements of the Wage Theft Prevention Act.

II. Parties

2. Plaintiff Piyush Paleja ("Plaintiff" or "Mr. Paleja") is a natural person.

3. Defendant KP NY Operations LLC a/k/a Kailash Parbat (the "Employer") is a New York LLC with a principle place of business in the State of New York, County of New York.

III. Venue and Jurisdiction

4. The Court has subject matter jurisdiction over this matter in that Plaintiff asserts claims under federal law and the remaining claims are part of the same case or controversy.

5. The Court has personal jurisdiction over the Employer in that this matter arises from the Employer's employment of the Plaintiff at its facility which is located in New York County, New York.

6. Venue is appropriate in that this matter in the Southern District in that this matter arises from the Defendant's employment of the Plaintiff at its facility which is located in New York County.

IV. Background

7. At all times relevant to this complaint, the Employer operated a restaurant and catering company

8. Plaintiff was employed by the Employer as a chef for approximately 6 years until his separation from employment in or about October of 2019.

9. Plaintiff regularly worked in excess of 40 hours per week. Indeed, his typical week was about 70 hours, 11am to 11pm, six days per week (his day off was Sunday).

10. Plaintiff was never provided proper notices required by the Wage Theft Prevention Act.

11. Plaintiff never received overtime premiums. Instead, he received a salary which was subject to reduction based on the amount of work he did during a given week.

V. Causes of Action and Demand for Relief

Count One: Violation of New York Wage & Hour Law

12. The allegations contained in the preceding paragraphs are incorporated as if restated herein.

13. Plaintiff was an employee of the Employer within the meaning of the New York Minimum Wage Act and accompanying regulations.

14. The Employer was an employer within the meaning of those same regulations in that it employed Plaintiff.

15. The Defendants violated the above law and regulations in that it they did not properly compensate Plaintiff for the hours and overtime hours he worked and failed to provide proper notice pursuant to the Wage Theft Prevention Act.

Count Two: Violation of the Fair Labor Standards Act

16. The allegations contained in the preceding paragraphs are incorporated as if restated herein.

17. Plaintiff's employment was covered by the Fair Labor Standards Act in that (1) in 2017, 2018, and 2019, the Employer's annual revenue exceeded \$500,000 per year; and (2) more than one employee of the Employer handled goods which had crossed state lines, for example spices used in preparing food which spices are imported.

18. The Employer violated the Fair Labor Standards Act in that it did not properly compensate Plaintiff for the overtime hours he worked.

WHEREFORE Plaintiff demands judgment against the Employer in the amount of his unpaid back wages, overtime and liquidated damages, ,in an amount not more than \$500,000.00 which includes attorneys fees and costs, and such other and further relief that the Court deems just.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "David Abrams", is positioned above the typed name.

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January 17, 2020
New York, New York